

**Guidelines for repair and up-gradation of Roads constructed in forest lands prior to the commencement of the Forest (Conservation) Act, 1980.**

**Government of Maharashtra  
Revenue and Forest Department  
Government Circular No.FLD-2019/C.R.76/F-10  
Mantralaya, Mumbai – 400 032  
Date: 09.03.2021**

**Read:-**

- 1) Handbook of guidelines and clarifications issued by the MoEF&CC vide letter F. No.5-2/ 2017-FC, dt.28/03/2019
- 2) Government of Maharashtra, Revenue and Forest Department, Circular No.FLD-2019/ C.R.76/F-10, dated 03/05/2019
- 3) Government of Maharashtra, Public Works Department, Circular No. Misc. 2019/CR89/ Niyo-1A, dt.02/11/2019
- 4) PCCF (HoFF) Circular No.Desk-17/17-4/C.R.107/19-20/1890, dt.17/02/2020
- 5) Clarification issued by the MoEF&CC vide letter File No. FC-11/117/2019-FC, dt.9/11/2020

**Circular:-**

The Central Government in para 11.6 in the Handbook of guidelines and clarifications issued vide reference No.1 above has given following directions in respect of repair and maintenance of roads constructed in forest lands prior to the commencement of the Forest (Conservation) Act, 1980.-

**11.6 Repair and maintenance of roads constructed in forest lands:** *The up-gradation of roads, constructed in forest areas prior to 25<sup>th</sup> October, 1980 from 'Kutchha to Pucca' is permissible without attracting the provisions of FC Act, 1980 and black topping and bituminous work of forest roads (management works) which have been brought under Pradhan Mantri Gramin Sadak Yojna (PMGSY) is permitted subject to fulfillment of following conditions:*

- (a) *Bitumen cold mix for black topping should be prepared outside the forest or at a site approved by the Divisional Forest Officer.*
- (b) *The user agency shall maintain the curves of the roads, inside the forest, and will not straighten the same.*
- (c) *The user agency shall install speed breakers and speed control signage at regular intervals to avoid accident with wild animals.*
- (d) *The user agency shall try to maintain the road surface as rough as possible to act as regular speed governor, even if it means going below the standards prescribed for the particular class of roads, the intention being only to make it an all-weather road.*
- (e) *The user agency shall provide side drains for proper drainage.*
- (f) *No tree felling is involved.*
- (g) *No widening of road should be undertaken without prior approval of the Central Government under the Forest (Conservation) Act, 1980.*

2. Accordingly, following directives have been issued by the State Government vide reference 2.

*... proposals for up-gradation of existing roads existing before 1980 in forest areas shall be submitted to State Government through concerned DCF, CCF (T) and APCCF & Nodal Officer, Maharashtra State, Nagpur*

3. Thereafter, the State Government in Public Works Department vide reference No.3 issued following directives-

*रस्ते विकास योजनेंतर्गत मंजूर काही रस्त्यांचे "2 Lane with Paved Shoulder" करण्यात येत आहे. तथापि, वन विभागातून जाणारी अस्तित्वातील धावपट्टी ही जर डांबरीकरणाची असेल तर त्याचे डांबरीकरण करावे. वनविभागातून जाणा-या रस्त्याची धावपट्टी जर खडीची असेल तर वन विभागाच्या अधिका-यांच्या परवानगीने त्याचे डांबरीकरण करावे. परवानगी न मिळाल्यास रस्त्याचे डांबरीकरण करू नये. अस्तित्वातील रस्त्यांची धावपट्टी जेवढ्या रुंदीची आहे तेवढ्याच रुंदीचे डांबरीकरण करावे.*

*रस्ते विकास योजनेंतर्गत वन विभागातून जाणा-या रस्त्यांची कामे करतांना उपरोक्त नमुद बाबींची दक्षता घ्यावी. प्रस्तुत बाबींचे उल्लंघन केल्यास संबंधितांविरुद्ध प्रशासकीय कार्यवाही करण्यात येईल.*

4. In accordance with reference No.1 to 3, the office of the PCCF (HoFF) issued a circular as per reference No.4, laying down the procedure to be followed for submission of the proposals to the State Government.

5. Now the Central Government vide reference No.5 has clarified in this regard as under-

*Competent authority in the Ministry has approved that roads constructed on forest land prior to 25/10/1980 (date of enactment of FC Act, 1980), **falling outside the Protected Areas**, may be repaired and maintained and also black topping of the same may be done with prior permission of the **State Forest Department** subject to fulfillment of following conditions:*

- i. No breaking up of forest land or felling of tree shall be allowed;*
- ii. While black topping, adequate precautions should be undertaken by the User Agency to avoid any damage to flora and fauna. Fire for melting of coal tar and mixing shall be lit at a safe distance from the trees/vegetation and avoiding, dry/hot seasons. Fuelwood, if required, shall be purchased in advance from the Depot of Forest Development Corporations;*
- iii. No crushing/breaking of stones shall be allowed inside forest areas. Readymade materials shall be used for up-gradation of such roads No labour camp shall be allowed on the forest land.*
- iv. No widening of the road is allowed. Both sides of the upgraded road shall be reinforced with brick/stone works, and vegetative measures to check soil erosion at the project cost in consultation with the Divisional Forest Officer;*
- v. Any other condition the Divisional Forest Officer may impose from time to time in the interest of forest conservation and protection.*

6. In light of the background mentioned above and in accordance with the communication from the Central Government as per reference 5 as well as in supersession of the circulars mentioned in reference 2 and 4, the Government of Maharashtra hereby authorizes the **Additional Principal Chief Conservator of**

**Forests (Wildlife) East, Additional Principal Chief Conservator of Forests (Wildlife) West, Additional Principal Chief Conservator of Forests/Chief Conservator of Forests (Mangrove Cell), Chief Conservator of Forests / Conservator of Forests (Territorial) and Field Directors, Tiger Reserve** for issuing necessary prior permissions for the repair, maintenance and black topping of roads constructed on forest lands prior to the commencement of the Forest (Conservation) Act 1980, **falling outside the Protected Areas** in their respective jurisdictions.

**7. The procedure in this respect shall be as under-**

7.1 The Project Authority shall submit the proposal in respect of roads in forest lands existing prior to commencement of the Forest (Conservation) Act 1980 as per duly filled **Proforma-1** along with requisite documents mentioned therein to the concerned Deputy Conservator of Forests/ Deputy Director Tiger Reserve/Divisional Forest Officer/ Independent Sub Divisional Officer.

7.2 In accordance with the proposal received from the Project Authority as above, the Deputy Conservator of Forests/Divisional Forest Officer shall conduct the site inspection either himself or through a forest-officer not below the rank of Assistant Conservator of Forests under his administrative control. The forest officer, carrying out the site inspection shall submit his Site Inspection Report to the division office as per **Proforma-2**.

7.3 After receiving the proposal from the Project Authority and the site inspection report mentioned as above, the Deputy Conservator of Forests/ Deputy Director Tiger Reserve/Divisional Forest Officer/ Independent Sub Divisional Officer shall examine and scrutinize the proposal in light of the parameters referred to in para 5.0 above. Thereafter, if he is of the opinion that the proposal requires prior approval of the Competent Authority under the Forest (Conservation) Act 1980, he shall communicate to the Project Authority accordingly. However, if he concludes that, the prior permission of the Authority in accordance with para 6 is sufficient, he shall recommend the proposal to such Authority along with duly filled **Proforma-3**.

7.4 After due examination and scrutiny of the proposal received in accordance with para 7.3 above, if the Authority mentioned in para 6 is of the opinion that it requires prior approval of the competent authority under the Forest (Conservation) Act 1980, he shall communicate accordingly to the Deputy Conservator of Forests/ Deputy Director Tiger Reserve/Divisional Forest Officer/ Independent Sub Divisional Officer. Otherwise, he shall decide as to whether or not to grant prior permission. If the Authority in para 6 decides to grant prior permission, the same shall be subject to the conditions mentioned in para 5. A copy of such prior permission shall also be duly endorsed to the State Government as well as the Nodal Officer.

7.5 For removal of doubts, it is further clarified that in all cases, where the road or any portion thereof falls inside the Protected Area (National Park, Sanctuary, Conservation Reserve, Community Reserve), the concurrence of the Chief Wild Life Warden in terms of MoEF & CC letter No. F.No.6-62/2013 WL dated 22 December 2014, shall be mandatory before granting the prior permission under para 7.4 above.

This Government Circular is available on website [www.maharashtra.gov.in](http://www.maharashtra.gov.in) with Reference No. 202103091210354219. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra,

**(Arvind Apte)**

Chief Conservator of Forest (Mantralaya)

**Enclosure:-** Proforma 1, 2 and 3.

**Copy:-**

1. Secretary, Ministry of Environment, Forests and Climate Change, Government of India, New Delhi
2. Principal Secretary, Rural Development Department, Mantralaya, Mumbai.
3. Principal Secretary, Public Works Department, Mantralaya, Mumbai.
4. Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur.
5. Principal Chief Conservator of Forests (All).
6. Addl. Principal Chief Conservator of Forests (All).
7. Regional Officer, Integrated Regional Office, Civil Lines, Nagpur.
8. Chief Conservator of Forests/ Conservator of Forests (Territorial) (All)
9. Chief Engineer (PWD) (All)
10. Field Directors, Tiger Reserve (All)
11. Deputy Conservator of Forests / Deputy Director Tiger Reserve/ Divisional Forest Officers (All)/ Independent Sub Divisional Officer
12. Select File (F-10)

**प्रकल्प यंत्रणेनी भरावयाचे प्रपत्र-१**

अ.क्र.	प्रस्तावाबाबत तपशील	विवरण
१	प्रकल्प यंत्रणेचा तपशील	
२	प्रस्ताव सादर करणा-या अधिका-याचे नाव व पदनाम	
३	प्रस्तावित दुरुस्ती करावयाच्या रस्त्याचे नाव	
४	प्रस्तावित रस्त्याचे कामाचा Cross Section Plan जोडावा.	
५	प्रस्तावित दुरुस्ती अंतर्गत असलेल्या Chainage चा तपशील	
६	प्रस्तावित कामास सक्षम प्राधिकरणाने प्रदान केलेली तांत्रिक मान्यतेची प्रत मंजूर अंदाजपत्रकाचे प्रतीसह	
७	प्रस्तावित कामासाठी सक्षम प्राधिकरणाने प्रदान केलेली प्रशासकीय मान्यतेची प्रत	
८	<p>सदरचा रस्ता हा सर्व्हे ऑफ इंडिया, देहराडून च्या १९८० पूर्वीच्या टोपोशीटवर दर्शविण्यात आला आहे काय? होय/नाही</p> <ul style="list-style-type: none"> <li>असल्यास टोपोशीटची प्रत</li> <li>टोपोशीटवर दर्शविण्यात आलेला रस्त्याचा प्रकार (Metalled Road, Un-metalled Road, Cart Track, Pack Track)</li> <li>१९८० मध्ये सदर रस्त्याचा दर्जा (National Highway, State Highway, Major District Road, Other District Road, Village Road)</li> <li>रस्त्याच्या प्रकारानुसार सन १९८० मधील रस्त्याच्या               <ul style="list-style-type: none"> <li>अ) धावपट्टीची रुंदी</li> </ul> </li> </ul>	

	<p>ब) दोन्ही बाजूस असलेल्या शोल्डरची एकूण रुंदी (आवश्यक दस्ताऐवज जोडावे)</p> <ul style="list-style-type: none"><li>• प्रस्तावित कामाच्या रस्त्याची KML फाईल (२ प्रती सी.डी.मध्ये)</li></ul>	
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**Proforma-2**

**उपवनसंरक्षक अथवा समकक्ष दर्जाच्या अधिका-याचे प्रपत्र**  
**प्रपत्र-२**

अ.क्र.	प्रस्तावाबाबत तपशील	विवरण				
१	प्रकल्प यंत्रणेच्या तपशील					
२	वनक्षेत्रातून जात असलेल्या रस्त्याचा तपशील	Chainage	परिक्षेत्र	कक्ष क्र./ सर्व्हे क्र./ गट क्र.	धावपट्टी ची रुंदी	दोन्ही बाजूस असले ल्या शोल्डर ची एकूण रुंदी
३	रस्त्यातील ज्या भागात दुरुस्ती प्रस्तावित आहे तो भाग अभयारण्य, राष्ट्रीय उद्यान, कंझरवेशन रिझर्व, कम्युनिटी रिझर्व इत्यादी क्षेत्रातून जात आहे काय? (होय/नाही) असल्यास तपशील					
४	सहाय्यक वनसंरक्षक पेक्षा कमी दर्जा नसलेले वन अधिकारी यांचा स्थळ निरीक्षण अहवाल जोडावा.					
५	परिपत्रकातील परिच्छेद क्र. १, २ व ३ मधील निकष विचारात घेता प्रचलित कामांसाठी वन (संवर्धन) अधिनियम, १९८० अंतर्गत प्रस्ताव सादर करणे आवश्यक नाही. याबाबत खात्री पटली आहे काय? (होय/नाही)					
६	उपवनसंरक्षक/विभागीय वन अधिकारी / समकक्ष दर्जाचे अधिकारी यांचे अभिप्राय					

**स्थळ निरीक्षण अहवाल**

( सहाय्यक वनसरंक्षक या पदापेक्षा कमी दर्जा नसलेल्या अधिका-याचे प्रपत्र )

अ.क्र.	बाब	विवरण					
१	प्रकल्प यंत्रणेच्या तपशील						
२	स्थळ निरीक्षण केल्याचा दिनांक						
३	प्रस्तावित काम अस्तित्वात असलेल्या रस्त्याच्या रुंदीच्या मर्यादेत आहे काय? (होय/नाही)						
४	वनक्षेत्रातून जाणा-या रस्त्याचा तपशील	Chainage		परिक्षेत्र	कक्ष क्र./ सर्व्हे क्र./ गट क्र.	धावपट्टी ची रुंदी	दोन्ही बाजूस असलेल्या शोल्डरची एकूण रुंदी
५	प्रस्तावित कामामध्ये वनक्षेत्रात वृक्षतोड होणार आहे काय? (होय/नाही)						
६	प्रस्तावित कामास सक्षम प्राधिकरणाकडून मान्यता मिळण्यापुर्वी कामे सुरु करण्यात आली आहेत काय? (होय/नाही) असल्यास कामांचा तपशील						